IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.18260 of 2007

Between:
G.Suryanarayana Rao

..... PETITIONER

AND
The District Collector,
West Godavari District, Eluru
and 2 others

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.18260 of 2007

ORDER:

This writ petition is filed by the petitioner, questioning the notification issued under Sec.4(1) of the Land Acquisition Act, proposing to acquire the land for the purpose of providing house sites.

The main objection of the petitioner in the present writ petition is that the land in question is an agricultural land and the petitioner is an agriculturist and his lands are being sought to be acquired even though his land is situated away from the village Narasapuram though in fact the lands of rich landlords are available. Another main objection raised by the petitioner is that the respondents did not comply the provisions of A.P.Agricultural Land (Conversion for non-Agricultural purposes) Act, 2006. It is stated that as per Sec.3 of the said Act no agricultural land can be utilized for non-agricultural purposes unless it is converted by following the prescribed procedure. Therefore, according to the petitioner, since the said procedure is not complied with, the acquisition is bad.

The learned Government Pleader, on the other hand, though no counter is filed, contended that the issue as to the requirement of compliance of the provisions of A.P.Agricultural Land (Conversion for non-Agricultural purposes) Act, 2006, as decided by this Court earlier, the said provisions are not required to be complied with by the

Government while initiating proceedings under the Land Acquisition Act for the purpose other than agricultural purpose. With reference to the other objections raised by the petitioner that the land is an agricultural land and he is small farmer while the lands of rich landlords are available etc. are to be considered during 5-A enquiry, as 5-A enquiry was not dispensed with. Therefore, the petitioner is given liberty to give raise all his objections during 5-A enquiry before the Land Acquisition Officer and on raising such objections, the Land Acquisition Officer is directed to consider the same and pass appropriate orders, giving reasons.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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S.ANANDA REDDY.J

Dated: 0810.2007
Dsr